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REMARKS

Applicants would like to thank the Examiner for careful consideration of this application. Claims 1-10 are pending in this application. Claims 1-2 and 4-5 have been amended. Allowable Claim 3 has been cancelled, and the subject matter incorporated into amended independent Claim1, thereby placing amended independent Claim 1 in condition for allowance. Claims 6-10 have been added. Support for all amendments can be found in the specification as originally filed. No new matter has been added.

Objections to the Specification

The Specification stands objected to for (i) not providing a brief description of the drawings, (ii) not pluralizing "Example" on page 8, line 21 of the prepub, and (iii) providing examples that do not provide at least one organic nitro compound and AlCl₃/water as recited in Claim 1.

On pages 2-4 of this paper, Applicants have provided amendments to the specification which attend to the Examiner's objections. Accordingly, withdrawal of the Examiner's objections to the Specification is respectfully requested.

The disclosure is further objected to for being unclear as to how the examples represent embodiments of the claimed invention. Applicants submit the Examples as written represent embodiments of the claimed invention and further the Claims are clearly supported on Page 5, lines 25 - Page 6, line 2. As disclosed in the Specification typically to activate a catalyst it is common to take advantage of the very low amounts of residual moisture in the MeCl feed. As further noted in the Specification, this generally achieved by dissolving the AlCl₃ in the MeCl (with traces of water). Applicants further submit this would be clear by the Examples to one skilled in the art as the MeCl was not noted to be used in dried form, accordingly water was present in the system. Applicants respectfully request withdrawal of the Examples objection to the Specification.

Objections to the Claims

Claims 4 and 5 stand objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Applicants have removed the multiple dependency of Claim 4 and 5 thereby attending to the Examiner's objection. Accordingly, withdrawal of the Examiner's objection is respectfully requested.

Rejections Under 35 USC 112, Second Paragraph

Claims 1-3 stand rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Examiner points to the use of the term "organic" and the subsequent inclusion of an inorganic compound in the definition of general formula (I). Applicants have amended Claims 1 and 2 to replace "organic nitro compound" with "nitro containing compound" thereby encompassing the inorganic compound HNO₂ in the definition of general formula (I). Accordingly, Applicants have attended to the Examiner's rejections and respectfully request reconsideration and withdrawal of these rejections.

Rejections Under 35 USC 103

Claims 1 and 2 stand rejected under 35 USC 103(a) over European Patent No. EP0969026 to Omura et al. (hereinafter "Omura").

The Examiner alleges that Omura teaches the use of a Lewis acid catalyst which include AlCl₃ in a small genus of metal halides; explicitly teaches the use of a solvent that can contain a small amount of other solvent such as an organic compound having a nitro group; and proposes the use of comonomers of specific conjugated dienes. The Examiner concludes that it would have been obvious to apply the method of Omura to producing polymers comprising repeating units derived from isobutylene and copolymerizable monomers including multiolefins (conjugated dienes) in the presence of AlCl₃/water and an organic nitro compound. Applicants respectfully disagree.

It is well settled that to establish a *prima facie* case of obviousness, the USPTO must satisfy all of the following requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the proposed modification must have had a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made. *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991). Third, the prior art reference or combination of references must teach or suggest all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

Independent Claim 1 has been amended to include the limitations of cancelled Claim 3. The Examiner concedes that Omura fails to teach or suggest the limitations of Claim 3. Accordingly, Omura fails to teach or suggest all of the limitations of amended independent Claim 1, and fails to render amended independent Claim 1 obvious. Claims 2 and 4-10 either directly or indirectly depend from and add further limitations to amended independent Claim 1 and are, respectively, deemed allowable at least for the reasons in combination with amended independent Claim 1. Reconsideration and withdrawal of the Examiner's rejections are respectively requested.

It is believed that the pending claims are now in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

By _____

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